

**HOMELAND SECURITY AND EMERGENCY MANAGEMENT  
DEPARTMENT[605]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 34A.22, the Homeland Security and Emergency Management Department hereby amends Chapter 10, “Enhanced 911 Telephone Systems,” Iowa Administrative Code.

These amendments implement 2017 Iowa Acts, Senate File 500, which amends Iowa Code chapter 34A. A majority of these amendments change the terms “Enhanced 911” and “E911” to “911” to reflect the merging of E911 with Next Generation 911 services to make improvements to the network. For policy implementation purposes, it is easier to simply refer to the telephone system and the associated elements as 911.

Several definitions are updated to reflect the current and future operating environment for 911 telephone systems and the public and private partners that are involved in their operation.

No amendments have been made to the flow of the wireline 911 service surcharge detailed in rule 605—10.5(34A).

Several amendments are made to the flow of the emergency communication service surcharge as described in rule 605—10.9(34A). The result of these amendments is as follows:

- The surcharge pass-through to the public safety answering point (PSAP) remains at 60 percent.
- Wireless carrier cost recovery remains in place.
- Originating service providers, wireline carriers, and third-party 911 providers’ cost recovery remains in place.
- The program manager is allowed to make grants to the joint 911 service boards and the Department of Public Safety to develop and maintain geographic information system data.
- Language related to the use of surcharge funds to pay for costs associated with the financing of the statewide interoperable communications system is removed.
- The amount of funding available for use from the Carryover Fund is increased from \$4.4 million in fiscal year 2017 to \$7 million in fiscal year 2018.
- Carryover funds may be used for grants for PSAPs to physically consolidate. Grants for virtual consolidation are removed.
- Carryover funds not utilized for consolidation grants will pass equally to the PSAPs and be used in the manner for which the funds have been used in the past.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 3090C** on June 7, 2017. In addition, a public hearing was conducted on June 27, 2017.

Two of the three comments received at the hearing dealt with the same issue. Within the definition of “voice over internet protocol,” the phrase “internet protocol and a successor protocol” is used in the first numbered paragraph. The commenters both indicated that the appropriate phrase should read “internet protocol or a successor protocol” and would match the definition used by the Iowa Utilities Board to describe the same service. However, the definition in the Notice of Intended Action is the same as the definition in 2017 Iowa Acts, Senate File 500. In this instance, the appropriate remedy is to amend the definition in Iowa Code chapter 34A via the legislative process. The two commenters concur with this plan.

The third commenter expressed support of the rule making as proposed.

Three changes from the Notice have been made. In Item 3, a correction was made to the cross reference in the definition of “911 service plan,” and the word “service” was added to the defined term of “voice over internet protocol” to match the definition in 2017 Iowa Acts, Senate File 500. In Item 19, a grammatical correction was made in rule 605—10.16(34A). The amendments are otherwise identical to those published under Notice.

The Homeland Security and Emergency Management Department adopted these amendments on July 12, 2017.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 34A as amended by 2017 Iowa Acts, Senate File 500.

These amendments will become effective September 6, 2017.

The following amendments are adopted.

ITEM 1. Amend **605—Chapter 10**, title, as follows:

**ENHANCED 911 TELEPHONE SYSTEMS**

ITEM 2. Amend rule 605—10.1(34A) as follows:

**605—10.1(34A) Program description.** The purpose of this program is to provide for the orderly development, installation, and operation of ~~enhanced~~ 911 emergency telephone systems and to provide a mechanism for the funding of these systems, either in whole or in part. These systems shall be operated under governmental management and control for the public benefit. These rules shall apply to each joint ~~E911~~ 911 service board or alternative 28E entity as provided in Iowa Code chapter 34A and to each provider of ~~enhanced~~ 911 service.

ITEM 3. Amend the following definitions in rule **605—10.2(34A)**:

*“Communications service”* means a service capable of accessing, connecting with, or interfacing with a 911 system by dialing, initializing, or otherwise activating the system exclusively through the digits 911 by means of a local telephone device, ~~or wireless communications device or any other device~~ capable of interfacing with the 911 system.

*“~~E911~~ 911 communications council”* means the council as established under the provisions of Iowa Code section 34A.15.

*“~~E911~~ 911 program manager”* means that person appointed by the director of the homeland security and emergency management department, and working with the ~~E911~~ 911 communications council, to perform the duties specifically set forth in Iowa Code chapter 34A and this chapter.

*“~~Enhanced 911 (E911) service area~~”* means the geographic area ~~to be served, or currently served under an enhanced 911 service plan, provided that any enhanced 911 service area shall at a minimum encompass~~ encompassing at least one entire county. The enhanced 911 service area, and which may encompass more than a geographical area outside the one entire county and need not be restricted to county boundaries, serviced or to be serviced under a 911 service plan. This definition applies only to wire-line enhanced 911 service.

*“~~Enhanced 911 (E911) service plan (wire-line)~~”* means a plan, produced by a joint ~~E911~~ 911 service board, which includes the information required by Iowa Code subsection ~~34A.2(7)~~ 34A.2(2) as enacted by 2017 Iowa Acts, Senate File 500, section 3.

*“~~Enhanced wireless 911 Wireless NG911 service area~~”* means the geographic area to be served, or currently served, by a PSAP under ~~an enhanced~~ a wireless 911 NG911 service plan.

*“~~Joint E911 911 service board~~”* means those entities that are created under the provisions of Iowa Code section 34A.3, which include the legal entities created pursuant to Iowa Code chapter 28E referenced in Iowa Code subsection 34A.3(3), and that operate a 911 telephone system for the public benefit within a defined 911 service area.

*“~~Selective routing (SR)~~”* means ~~an enhanced~~ a 911 system feature that enables all 911 calls originating from within a defined geographical region to be answered at a predesignated PSAP.

*“~~Voice over internet protocol service~~”* means ~~a technology used to transmit voice conversations over a data network such as a computer network or internet.~~ means a service to which all of the following apply:

1. The service provides real-time, two-way voice communications transmitted using internet protocol and a successor protocol.

2. The service is offered to the public, or such classes of users as to be effectively available to the public.

3. The service has the capability to originate traffic to, and terminate traffic from, the public switched telephone network or a successor network.

*“Wireless E911 phase 1”* means a 911 call made from a wireless device in which the wireless communications service provider delivers the call-back number and the address of the tower that received the call to the appropriate public safety answering point.

*“Wireless E911 phase 2”* means a 911 call made from a wireless device in which the wireless communications service provider delivers the call-back number and the latitude and longitude coordinates of the wireless device to the appropriate public safety answering point.

*“~~Wire-line~~ Wireline 911 service surcharge”* means a charge assessed on each ~~wire-line~~ wireline access line which physically terminates within the ~~E911~~ 911 service area in accordance with Iowa Code section 34A.7.

ITEM 4. Rescind the definitions of “Communications service provider,” “Enhanced 911 service surcharge,” and “Wireless communications surcharge” in rule **605—10.2(34A)**.

ITEM 5. Adopt the following new definitions in rule **605—10.2(34A)**:

*“Emergency communications service surcharge”* means a charge established by the program manager in accordance with Iowa Code section 34A.7A.

*“Emergency services internet protocol network”* or *“ESInet”* means a system using broadband packet-switched technology that is capable of supporting the transmission of varying types of data to be shared by all public and private safety agencies that are involved in an emergency.

*“Geographic information system”* or *“GIS”* means a system designed to capture, store, manipulate, analyze, manage, and present spatial or geographical data.

*“Next generation 911 network”* means an internet protocol-enabled system that enables the public to transmit digital information to public safety answering points and replaces enhanced 911 and that includes ESInet, GIS, cybersecurity, and other system components.

*“Originating service provider”* means a communications provider that allows its users or subscribers to originate 911 voice or nonvoice messages from the public to public safety answering points, including but not limited to wireline, wireless, and voice over internet protocol services.

ITEM 6. Amend rule 605—10.3(34A) as follows:

**605—10.3(34A) Joint ~~E911~~ 911 service boards.** Each county board of supervisors shall establish a joint ~~E911~~ 911 service board.

**10.3(1) Membership.**

a. Each political subdivision of the state, having a public safety agency serving territory within the county ~~E911~~ 911 service area, and each local emergency management agency as defined in Iowa Code section 29C.2 operating within the 911 service area is entitled to one voting membership. For the purposes of this paragraph, a township that operates a volunteer fire department providing fire protection services to the township, or a city that provides fire protection services through the operation of a volunteer fire department not financed through the operation of city government, shall be considered a political subdivision of the state having a public safety agency serving territory within the county.

b. Each private safety agency, such as privately owned ambulance services, airport security agencies, and private fire companies, serving territory within the county ~~E911~~ 911 service area, is entitled to a nonvoting membership on the board.

c. Public and private safety agencies headquartered outside but operating within a county ~~E911~~ 911 service area are entitled to membership according to their status as a public or private safety agency.

d. A political subdivision that does not operate its own public safety agency but contracts for the provision of public safety services is not entitled to membership on the joint ~~E911~~ 911 service board. However, its contractor is entitled to one voting membership according to the contractor’s status as a public or private safety agency.

e. The joint ~~E911~~ 911 service board elects a chairperson and vice chairperson.

f. The joint ~~E911~~ 911 service board shall annually submit a listing of members, to include the political subdivision they represent and, if applicable, the associated 28E agreement, to the ~~E911~~ 911 program manager. A copy of the list shall be submitted within 30 days of adoption of the operating

budget for the ensuing fiscal year and shall be on the prescribed form provided by the ~~E911~~ 911 program manager.

**10.3(2) *Alternate 28E entity.*** The joint ~~E911~~ 911 service board may organize as an Iowa Code chapter 28E agency as authorized in Iowa Code subsection 34A.3(3), provided that the 28E entity meets the voting and membership requirements of Iowa Code subsection 34A.3(1).

**10.3(3) *Joint ~~E911~~ 911 service board bylaws.*** Each joint ~~E911~~ 911 service board shall develop bylaws to specify, at a minimum, the following information:

*a.* The name of the joint ~~E911~~ 911 service board.

*b. to m.* No change.

Each member shall sign the adopted bylaws.

The joint ~~E911~~ 911 service board shall record the signed bylaws with the county recorder and shall forward a copy of the signed bylaws to the ~~E911~~ 911 program manager at the homeland security and emergency management department.

**10.3(4) *Executive board.*** The joint ~~E911~~ 911 service board may, through its bylaws, establish an executive board to conduct the business of the joint ~~E911~~ 911 service board. Members of the executive board must be selected from the eligible voting members of the joint ~~E911~~ 911 service board. The executive board will have such other duties and responsibilities as assigned by the joint ~~E911~~ 911 service board.

**10.3(5) *Meetings.***

*a.* The provisions of Iowa Code chapter 21, “Official Meetings Open to the Public,” are applicable to joint ~~E911~~ 911 service boards.

*b.* Joint ~~E911~~ 911 service boards shall conduct meetings in accordance with their established bylaws and applicable state law.

ITEM 7. Amend rule 605—10.4(34A) as follows:

**605—10.4(34A) *Enhanced 911 service plan (wire-line).***

**10.4(1)** The joint ~~E911~~ 911 service board shall be responsible for developing ~~an E911~~ a 911 service plan as required by Iowa Code section 34A.3 and as set forth in these rules. The plan will remain the property of the joint ~~E911~~ 911 service board. Each joint ~~E911~~ 911 service board shall coordinate planning with each contiguous joint ~~E911~~ 911 service board. A copy of the plan and any modifications and addenda shall be submitted to:

*a.* The homeland security and emergency management department.

*b.* All public and private safety agencies serving the ~~E911~~ 911 service area.

*c.* All providers affected by the ~~E911~~ 911 service plan.

**10.4(2)** The ~~E911~~ 911 service plan shall, at a minimum, encompass the entire county, unless a waiver is granted by the director. Each plan shall include:

*a.* The mailing address of the joint ~~E911~~ 911 service board.

*b.* A list of voting members on the joint ~~E911~~ 911 service board.

*c.* A list of nonvoting members on the joint ~~E911~~ 911 service board.

*d.* The name of the chairperson and of the vice chairperson of the joint ~~E911~~ 911 service board.

*e.* A geographical description of the ~~enhanced~~ 911 service area.

*f.* A list of all public and private safety agencies within the ~~E911~~ 911 service area.

*g.* The number of public safety answering points within the ~~E911~~ 911 service area.

*h.* Identification of the agency responsible for management and supervision of the ~~E911~~ 911 emergency telephone communication system.

*i.* A statement of recurring and nonrecurring costs to be incurred by the joint ~~E911~~ 911 service board. These costs shall be limited to costs directly attributable to the provision of ~~E911~~ 911 service.

*j.* The total number of telephone access lines by a telephone company or companies having points of presence within the ~~E911~~ 911 service area and the number of this total that is exempt from surcharge collection as provided in rule 605—10.9(34A) and Iowa Code subsection 34A.7(3).

*k.* If applicable, a schedule for implementation of the plan throughout the ~~E911~~ 911 service area. A joint ~~E911~~ 911 service board may decide not to implement ~~E911~~ 911 service.

*l.* The total property valuation in the ~~E911~~ 911 service area.

*m.* Maps of the ~~E911~~ 911 service area showing:

(1) to (5) No change.

*n.* and *o.* No change.

**10.4(3)** All plan modifications and addenda shall be filed with, reviewed, and approved by the ~~E911~~ 911 program manager.

**10.4(4)** The ~~E911~~ 911 program manager shall base acceptance of the plan upon compliance with the provisions of Iowa Code chapter 34A and the rules herein.

**10.4(5)** The ~~E911~~ 911 program manager will notify in writing, within 20 days of review, the chairperson of the joint ~~E911~~ 911 service board of the approval or disapproval of the plan.

*a.* If the plan is disapproved, the joint ~~E911~~ 911 service board will have 90 days from receipt of notice to submit revisions/addenda.

*b.* Notice for disapproved plans will contain the reasons for disapproval.

*c.* The ~~E911~~ 911 program manager will notify the chairperson, in writing within 20 days of review, of the approval or disapproval of the revisions.

ITEM 8. Amend rule 605—10.5(34A) as follows:

**605—10.5(34A) ~~Wire-line~~ Wireline 911 service surcharge.**

**10.5(1)** One source of funding for the ~~E911~~ 911 emergency communications system shall come from a surcharge of one dollar per month, per access line on each access line subscriber.

**10.5(2)** The ~~E911~~ 911 program manager shall notify a local ~~communications service provider~~ exchange carriers and competitive local exchange service providers scheduled to provide exchange access ~~E911~~ 911 service within an ~~E911~~ a 911 service area that implementation of an ~~E911~~ a 911 service plan has been approved by the joint ~~E911~~ 911 service board and by the ~~E911~~ 911 program manager and that collection of the surcharge is to begin within 60 days. The ~~E911~~ 911 program manager shall also provide notice to all affected public safety answering points. The 60-day notice to ~~local exchange service~~ the carriers and providers shall also apply when an adjustment in the ~~wire-line~~ wireline surcharge rate is made.

**10.5(3)** The ~~local communications service provider~~ carriers and providers shall collect the surcharge as a part of its ~~their~~ monthly billing to its ~~their~~ subscribers. The surcharge shall appear as a single line item on a subscriber's monthly billing entitled "~~E911~~ 911 emergency communications service surcharge."

**10.5(4)** The ~~local communications service provider~~ carriers and providers may retain 1 percent of the surcharge collected as compensation for the billing and collection of the surcharge. If the compensation is insufficient to fully recover a carrier's or provider's costs for the billing and collection of the surcharge, the deficiency shall be included in the carrier's or provider's costs for rate-making purposes to the extent it is reasonable and just under Iowa Code section 476.6.

**10.5(5)** The ~~local communications service~~ carrier or provider shall remit the collected surcharge to the joint ~~E911~~ 911 service board on a calendar quarter basis within 20 days of the end of the quarter.

**10.5(6)** The joint ~~E911~~ 911 service board may request, not more than once each quarter, the following information from the ~~local communications service~~ carrier or provider:

*a.* to *e.* No change.

*f.* The amount retained by the ~~local communications service~~ carrier or provider from the 1 percent administrative fee.

Access line counts and surcharge remittances are confidential public records as provided in Iowa Code section 34A.8.

**10.5(7)** Collection for a surcharge shall terminate if ~~E911~~ 911 service ceases to operate within the respective ~~E911~~ 911 service area. The ~~E911~~ 911 program manager for good cause may grant an extension.

*a.* The director shall provide 100 days' prior written notice to the joint ~~E911~~ 911 service board or the operating authority and to the ~~local communications service~~ carrier(s) or provider(s) collecting the fee of the termination of surcharge collection.

b. Individual subscribers within the ~~E911~~ 911 service area may petition the joint ~~E911~~ 911 service board or the operating authority for a refund. Petitions shall be filed within one year of termination. Refunds may be prorated and shall be based on funds available and subscriber access lines billed.

c. At the end of one year from the date of termination, any funds not refunded and remaining in the ~~E911~~ 911 service fund and all interest accumulated shall be retained by the joint ~~E911~~ 911 service board. However, if the joint ~~E911~~ 911 service board ceases to operate any ~~E911~~ 911 service, the balance in the ~~E911~~ 911 service fund shall be payable to the homeland security and emergency management department. Moneys received by the department shall be used only to offset the costs for the administration of the ~~E911~~ 911 program.

ITEM 9. Amend rule 605—10.6(34A) as follows:

**605—10.6(34A) Waivers, variance request, and right to appeal.**

**10.6(1)** All requests for variances or waivers shall be submitted to the ~~E911~~ 911 program manager in writing and shall contain the following information:

a. and b. No change.

c. A copy of the resolution or minutes of the joint ~~E911~~ 911 service board meeting which authorizes the application for a variance or waiver.

d. The signature of the chairperson of the joint ~~E911~~ 911 service board.

**10.6(2)** The ~~E911~~ 911 program manager may grant a variance or waiver based upon the provisions of Iowa Code chapter 34A or other applicable state law.

**10.6(3)** Upon receipt of a request for a variance or waiver, the ~~E911~~ 911 program manager shall evaluate the request and schedule a review within 20 working days of receipt of the request. Review shall be informal, and the petitioner may present materials, documents and testimony in support of the petitioner's request. The ~~E911~~ 911 program manager shall determine if the request meets the criteria established and shall issue a decision within 20 working days. The ~~E911~~ 911 program manager shall notify the petitioner, in writing, of the acceptance or rejection of the petition. If the petition is rejected, such notice shall include the reasons for denial.

ITEM 10. Amend rule 605—10.7(34A) as follows:

**605—10.7(34A) ~~Enhanced wireless E911 service plan~~ Wireless NG911 Implementation and Operations Plan.** Each joint ~~E911~~ 911 service board, the department of public safety, the ~~E911~~ 911 communications council, and wireless communications service providers shall cooperate with the ~~E911~~ 911 program manager in preparing ~~an enhanced wireless E911 service plan~~ the Wireless NG911 Implementation and Operations Plan for statewide implementation of ~~enhanced wireless E911~~ NG911 service.

**10.7(1) *Plan specifications.*** The ~~enhanced wireless E911 service plan~~ Wireless NG911 Implementation and Operations Plan shall include, at a minimum, the following information:

1. Maps showing the geographic location within the county of each PSAP that receives ~~enhanced wireless E911~~ 911 telephone calls.

2. to 4. No change.

**10.7(2)** No change.

ITEM 11. Amend rule 605—10.8(34A) as follows:

**605—10.8(34A) Emergency communications service surcharge.**

**10.8(1)** The ~~E911~~ 911 program manager shall adopt a monthly surcharge of one dollar to be imposed on each ~~wireless communications originating~~ service number provided in this state. The surcharge shall not be imposed on ~~wire-line-based~~ wireline-based communications or prepaid wireless telecommunications service.

**10.8(2)** The ~~E911~~ 911 program manager shall order the imposition of a surcharge uniformly on a statewide basis and simultaneously on all ~~communications originating~~ service numbers by giving at least 60 days' prior notice to wireless carriers to impose a monthly surcharge as part of their periodic

billings. The 60-day notice to wireless carriers shall also apply when the program manager is making an adjustment in the wireless emergency communications service surcharge rate.

**10.8(3)** The wireless emergency communications surcharge shall be one dollar per month, per customer service number, until changed by rule.

**10.8(4)** The communications originating service provider shall list the surcharge as a separate line item on the customer's billing indicating that the surcharge is for E911 911 emergency telephone service. The communications originating service provider is entitled to retain 1 percent of any wireless surcharge collected as a fee for collecting the surcharge as part of the subscriber's periodic billing. The wireless E911 emergency communications service surcharge is not subject to sales or use tax.

**10.8(5)** Surcharge funds shall be remitted on a calendar quarter basis by the close of business on the twentieth day following the end of the quarter with a remittance form as prescribed by the E911 911 program manager. Providers shall issue their checks or warrants to the Treasurer, State of Iowa, and remit to the E911 911 Program Manager, Homeland Security and Emergency Management Department, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324.

ITEM 12. Amend rule 605—10.9(34A) as follows:

**605—10.9(34A) E911 911 emergency communications fund.**

**10.9(1)** Wireless E911 Emergency communications service surcharge money, collected and remitted by wireless originating service providers, shall be placed in a fund within the state treasury under the control of the director.

**10.9(2)** No change.

**10.9(3)** Moneys in the fund shall be expended and distributed in the following manner and order of priority:

*a.* An amount as appropriated by the general assembly to the department shall be allocated to the director and program manager for implementation, support, and maintenance of the functions of the director and program manager and to employ the auditor of state to perform an annual audit of the E911 911 emergency communications fund.

*b.* The program manager shall allocate to each joint E911 911 service board and to the department of public safety a minimum of \$1,000 per calendar quarter for each public safety answering point (PSAP) within the service area of the department of public safety or joint E911 911 service board that has submitted an annual written request to the program manager. The written request shall be made with the Request for Wireless E911 911 Funds form contained in the Wireless NG911 Implementation and Operations Plan. The request is due to the program manager by May 15, or the next business day, of each year.

(1) The amount allocated under paragraph 10.9(3) "*b*" shall be 60 percent of the total amount of surcharge generated per calendar quarter. The minimum amount allocated to the department of public safety and the joint E911 911 board shall be \$1,000 per PSAP operated by the respective authority.

(2) Additional funds shall be allocated as follows:

1. Sixty-five percent of the total dollars available for allocation shall be allocated in proportion to the square miles of the 911 service area to the total square miles in this state.

2. Thirty-five percent of the total dollars available for allocation shall be allocated in proportion to the wireless E911 911 calls taken at the PSAP in the 911 service area to the total number of wireless E911 911 calls originating in this state.

(3) The funds allocated in paragraph 10.9(3) "*b*" shall be used by the PSAPs for costs related to the receipt and disposition of 911 calls.

*c.* No change.

*d.* The program manager shall reimburse communications service providers on a calendar quarter basis for carriers' eligible expenses for transport costs between the wireless selective router and the PSAPs related to the delivery of wireless E911 phase I 1 services and the integration of an Internet internet protocol-enabled next generation 911 network as specified in the Wireless NG911 Implementation and Operations Plan. The program manager may also provide grants to the joint 911 service boards and the department of public safety for the purpose of developing and maintaining GIS

data to be used in support of the next generation 911 network. The program manager shall provide a notice of availability of such grants and provide guidance and application forms on the department's Web site, [www.homelandsecurity.iowa.gov](http://www.homelandsecurity.iowa.gov).

~~e.~~ The program manager shall reimburse ~~wire-line~~ wireline carriers and third-party ~~E911~~ 911 automatic location information database providers on a quarterly basis for the costs of maintaining and upgrading the ~~E911~~ 911 components and functionalities beyond the input to the ~~E911~~ 911 selective router, including the ~~E911~~ 911 selective router and the automatic location information database.

~~f.~~ The program manager shall allocate \$4,380,000 to the department of public safety in the fiscal year beginning July 1, 2016, and ending June 30, 2017, for payments and other costs due under the financing agreement entered into by the treasurer of state for building the statewide interoperable communications system pursuant to Iowa Code section 29C.23(2) as amended by 2016 Iowa Acts, Senate File 2326.

~~g.~~ f. The department may, in a reserve account established within the ~~E911~~ 911 emergency communications fund, credit each fiscal year an amount of up to 12½ percent of the annual emergency communications service surcharge collected pursuant to rule 605—10.8(34A) and the prepaid wireless ~~E911~~ 911 surcharge collected pursuant to rule 605—10.17(34A). However, the moneys contained in such reserve account shall not exceed 12½ percent of the total surcharges collected for each fiscal year. Moneys credited to the reserve account shall only be used by the department for the purpose of repairing or replacing equipment in the event of a catastrophic equipment failure, as determined by the director.

~~h.~~ g. If moneys remain in the fund after all obligations are fully paid under paragraphs 10.9(3) “a,” “b,” “c,” “d,” “e,” and “f,” and “~~g.~~” an amount of up to \$4,400,000 \$7,000,000 shall, for the fiscal year beginning July 1, ~~2016~~ 2017, and ending June 30, ~~2017~~ 2018, be expended and distributed in the following priority order:

(1) The director, in consultation with the program manager and the ~~E911~~ 911 communications council, may provide grants for nonrecurring costs to the department of public safety or joint ~~E911~~ 911 service board operating a PSAP agreeing to consolidate. For purposes of this subparagraph, “consolidate” means ~~either the consolidation of all PSAP systems, functions, enhanced 911 service areas, and physical facilities of two or more PSAPs, resulting in responsibility by the consolidated PSAP for all call answering and dispatch functions for the combined enhanced 911 service area, or the consolidation of two or more PSAPs utilizing shared services technology to combine PSAP systems, including but not limited to 911 call processing equipment, computer-aided dispatch, mapping, radio, and logging recorders.~~ Such a grant to a PSAP shall not exceed one-half of the projected cost of consolidation, or \$200,000, whichever is less. The department of public safety or joint ~~E911~~ 911 service board wishing to apply for such funds shall complete an Intent to Consolidate Application form prior to December 1, ~~2016~~ 2017. The form can be found on the department's Web site, [www.homelandsecurity.iowa.gov](http://www.homelandsecurity.iowa.gov). Such applications shall provide a detailed consolidation plan and demonstrate that the proposed project shall be completed prior to June 30, ~~2017~~ 2018.

(2) The program manager, in consultation with the ~~E911~~ 911 communications council, shall allocate an amount, not to exceed \$100,000 per fiscal year, for development of public awareness and educational programs related to the use of 911 by the public; for educational programs for personnel responsible for the maintenance, operation, and upgrading of local ~~E911~~ 911 systems; and for the expenses of members of the ~~E911~~ 911 communications council for travel, monthly meetings, and training, provided, however, that the members have not received reimbursement funds for such expenses from another source.

(3) The program manager shall allocate an equal amount of moneys to each PSAP for the following costs:

1. No change.
2. Local costs related to access the statewide interoperable communications system pursuant to Iowa Code section 29C.23 as amended by 2016 Iowa Acts, Senate File 2326.

(4) No change.

**10.9(4)** Payments to local communications service providers and wireless service providers shall be made quarterly, based on original, itemized claims or invoices presented within 20 days of the end of



the calendar quarter. Claims or invoices not submitted within 20 days of the end of the calendar quarter are not eligible for reimbursement and may not be included in future claims and invoices. Payments to providers shall be made in accordance with these rules and the State Accounting Policy and Procedures Manual.

**10.9(5)** Local communications service providers shall be reimbursed for only those items and services that are defined as eligible in the ~~enhanced wireless 911 service plan~~ Wireless NG911 Implementation and Operations Plan and when initiation of service has been ordered and authorized by the ~~E911~~ 911 program manager.

**10.9(6)** If it is found that an overpayment has been made to an entity, the ~~E911~~ 911 program manager shall attempt recovery of the debt from the entity by certified letter. Due diligence shall be documented and retained at the homeland security and emergency management department. If resolution of the debt does not occur and the debt is at least \$50, the homeland security and emergency management department will then utilize the income offset program through the department of revenue. Until resolution of the debt has occurred, the homeland security and emergency management department may withhold future payments to the entity.

ITEM 13. Amend rule 605—10.10(34A) as follows:

**605—10.10(34A) ~~E911~~ 911 surcharge exemptions.** The following agencies, individuals, and organizations are exempt from imposition of the ~~E911~~ 911 surcharge:

1. No change.
2. Indian tribes for access lines on the tribe's reservation upon filing a statement with the joint ~~E911~~ 911 service board, signed by appropriate authority, requesting surcharge exemption.
3. An enrolled member of an Indian tribe for access lines on the reservation, who does not receive ~~E911~~ 911 service, and who annually files a signed statement with the joint ~~E911~~ 911 service board that the person is an enrolled member of an Indian tribe living on a reservation and does not receive ~~E911~~ 911 service. However, once ~~E911~~ 911 service is provided, the member is no longer exempt.
4. No change.
5. Individual ~~wire-line~~ wireline subscribers to the extent that they shall not be required to pay on a single periodic billing the surcharge on more than 100 access lines, or their equivalent, in an ~~E911~~ a 911 service area.

All other subscribers not listed above, that have or will have the ability to access 911, are required to pay the surcharge, if imposed by the official order of the ~~E911~~ 911 program manager.

ITEM 14. Amend rule 605—10.11(34A) as follows:

**605—10.11(34A) ~~E911~~ 911 service fund.**

**10.11(1)** The department of public safety and each joint ~~E911~~ 911 service board have the responsibility for the ~~E911~~ 911 service fund.

- a. ~~An E911~~ A 911 service fund shall be established in the office of the county treasurer for each joint ~~E911~~ 911 service board and with the state treasurer for the department of public safety.
- b. Collected surcharge moneys and any interest thereon, as authorized in Iowa Code chapter 34A, shall be deposited into the ~~E911~~ 911 service fund. ~~E911~~ 911 surcharge moneys must be kept separate from all other sources of revenue utilized for ~~E911~~ 911 systems.
- c. For joint ~~E911~~ 911 service boards, withdrawal of moneys from the ~~E911~~ 911 service fund shall be made on warrants drawn by the county auditor, per Iowa Code section 331.506, supported by claims and vouchers approved by the chairperson or vice chairperson of the joint ~~E911~~ 911 service board or the appropriate operating authority so designated in writing.
- d. For the department of public safety, withdrawal of moneys from the ~~E911~~ 911 service fund shall be made in accordance with state laws and administrative rules.

**10.11(2)** The ~~E911~~ 911 service funds shall be subject to examination by the department at any time during usual business hours. ~~E911~~ 911 service funds are subject to the audit provisions of Iowa Code chapter 11. A copy of all audits of the ~~E911~~ 911 service fund shall be furnished to the department within

30 days of receipt. If through the audit or monitoring process the department determines that a joint ~~E911~~ 911 service board is not adhering to an approved plan or does not have a valid board membership, or if the department determines that a joint ~~E911~~ 911 service board or the department of public safety is not using funds in the manner prescribed in these rules or Iowa Code chapter 34A, the director may, after notice and hearing, suspend surcharge imposition and order termination of expenditures from the ~~E911~~ 911 service fund. The joint ~~E911~~ 911 service board or department of public safety is not eligible to receive or expend surcharge moneys until such time as the ~~E911~~ 911 program manager determines that the board or department of public safety is in compliance with the approved plan, board membership, and fund usage limitations.

ITEM 15. Rescind and reserve rule **605—10.12(34A)**.

ITEM 16. Amend rule 605—10.13(34A) as follows:

**605—10.13(34A) Limitations on use of funds.** Surcharge moneys in the ~~E911~~ 911 service fund may be used to pay recurring and nonrecurring costs including, but not limited to, network equipment, software, database, addressing, initial training, and other start-up, capital, and ongoing expenditures. ~~E911~~ 911 surcharge moneys shall be used only to pay costs directly attributable to the provision of ~~E911~~ 911 telephone systems and services and may include costs directly attributable to the receipt and disposition of the 911 call.

ITEM 17. Amend rule 605—10.14(34A) as follows:

**605—10.14(34A) Minimum operational and technical standards.**

**10.14(1)** Each ~~E911~~ 911 system, supplemented with ~~E911~~ 911 surcharge moneys, shall, at a minimum, employ the following features:

*a. to c.* No change.

*d.* Each PSAP shall provide two emergency seven-digit numbers arranged in rollover configuration for use by telephone company operators for transferring a calling party to the PSAP over the ~~wire-line~~ wireline network. Wireless calls must be transferred to PSAPs that are capable of accepting ANI and ALI.

*e.* No change.

**10.14(2)** ~~E911~~ 911 public safety answering points shall adhere to the following minimum standards:

*a.* No change.

*b.* The primary published emergency number in the ~~E911~~ 911 service area shall be 911.

*c. to l.* No change.

**10.14(3)** ~~Communications~~ Originating service providers shall adhere to the following minimum requirements:

*a.* The PSAP and ~~E911~~ the 911 program manager shall be notified of all service interruptions in accordance with 47 CFR Part 4.

~~*b.* All communications service providers shall submit separate itemized bills to the E911 program manager, the department of public safety, a joint E911 service board or PSAP operating authority, as appropriate.~~

~~*e.*~~ *b.* The ~~communications~~ originating service provider shall respond, within a reasonable length of time, to all appropriate requests for information from the director, the department of public safety, a joint ~~E911~~ 911 service board or operating authority and shall expressly comply with the provisions of Iowa Code section 34A.8.

~~*d.*~~ *c.* Access to the wireless ~~E911~~ 911 selective router and next generation 911 network shall be approved by the ~~E911~~ 911 program manager. ~~Communications~~ Originating service providers must provide the company name, address and point of contact with their request. If the ~~communications~~ originating service provider utilizes a third-party vendor, the vendor must provide this information listing the vendor's customer's requested information.

**10.14(4)** Voluntary standards. Current technical and operational standards applying to ~~E911~~ 911 systems and services can be found in the "American Society for Testing and Materials Standard Guide for

Planning and Developing 911 Enhanced Telephone Systems” and in publications issued by the National Emergency Number Association. Master street address guides are encouraged to be developed and maintained by using National Emergency Number Association technical standards 02-010 and 02-011. Standards contained in these documents shall be considered as guidance, and adherence thereto shall be voluntary. Notwithstanding the minimum standards published in these rules, it is intended that ~~E911 communications~~ 911 originating service providers and joint ~~E911~~ 911 service boards and operating authorities employ the best and most affordable technologies and methods available in providing ~~E911~~ 911 services to the public.

ITEM 18. Amend rule 605—10.15(34A) as follows:

**605—10.15(34A) Administrative hearings and appeals.**

**10.15(1)** ~~E911~~ 911 program manager decisions regarding the acceptance or refusal of ~~an E911 a~~ 911 service plan, in whole or in part, the implementation of ~~E911~~ 911 and the imposition of the ~~E911~~ 911 surcharge within a specific ~~E911~~ 911 service area may be contested by an affected party.

**10.15(2)** Request for hearing shall be made in writing to the homeland security and emergency management department director within 30 days of the ~~E911~~ 911 program manager’s mailing or serving of a decision and shall state the reason(s) for the request and shall be signed by the appropriate authority.

**10.15(3) to 10.15(6)** No change.

ITEM 19. Amend rule 605—10.16(34A) as follows:

**605—10.16(34A) Confidentiality.** All financial or operations information provided by a ~~communications~~ an originating service provider to the ~~E911~~ 911 program manager shall be identified by the provider as confidential trade secrets under Iowa Code section 22.7(3) and shall be kept confidential as provided under Iowa Code section 22.7(3) and ~~Iowa Administrative Code 605—Chapter 5~~. Such information shall include numbers of accounts, numbers of customers, revenues, expenses, and the amounts collected from said ~~communications~~ originating service provider for deposit in the fund. Notwithstanding such requirements, aggregate amounts and information may be included in reports issued by the director if the aggregated information does not reveal any information attributable to an individual ~~communications~~ originating service provider.

ITEM 20. Amend rule 605—10.17(34A) as follows:

**605—10.17(34A) Prepaid wireless ~~E911~~ 911 surcharge.** Administration of the prepaid wireless ~~E911~~ 911 surcharge is under the control of the Iowa department of revenue. To administer this function, the department of revenue has adopted rules that can be found in 701—paragraph 224.6(2)“b” and rule 701—224.8(34A), ~~Iowa Administrative Code~~.

ITEM 21. Amend **605—Chapter 10**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 34A as amended by 2017 Iowa Acts, Senate File 500.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/2/17.